

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**ANDREW KIMBLE**, individually and on )  
behalf of all others similarly situated, )

**Plaintiff,** )

**v.** )

**Case No. 1:20-cv-154**

**JAMNBEAN LLC, d/b/a Jamn’bean Coffee** )  
**Company, and SLICK INNOVATIONS, LLC,** )  
**d/b/a SlickText,** )

**HON. JANET T. NEFF**

**Defendants.** )

**STIPULATION TO STAY CASE PENDING  
THE SUPREME COURT’S DECISION IN *FACEBOOK, INC. V. DUGUID***

Plaintiff Andrew Kimble and Defendants Jamnbean LLC (“Jamn’bean”) and Slick Innovations, LLC, d/b/a SlickText (“SlickText”), hereby stipulate to a stay of this action pending a decision of the United States Supreme Court in *Facebook v. Duguid*, No. 19-511 (U.S. *cert. granted* July 9, 2020) (“*Facebook*”). The decision in *Facebook* will resolve a circuit split concerning the interpretation of the term “Automatic Telephone Dialing System” (“ATDS”) as used in the Telephone Consumer Protection Act, 47 U.S.C. § 227(a)(1) (the “TCPA”).

This Stipulation to Stay is in response to (and in lieu of the briefing contemplated in) this Court’s October 2, 2020 Order, ECF No. 45 (“Order”). As the Court acknowledges in its Order, clarification of the ATDS issue by the Supreme Court will determine a “central and necessary element of Plaintiff’s single cause of action” under the TCPA. Order at PageID.127. If Plaintiff did not receive any messages sent via an ATDS, Defendants cannot be liable under the TCPA, irrespective of other disputed issues. *See* 47 U.S.C. § 227(b)(1). As a result, all parties agree that a stay would be beneficial in this case to conserve the Court’s and parties’ resources while

the Supreme Court resolves that central issue.

In order to ensure that the litigation resumes promptly after the expiration of the stay, the parties agree to meet and confer and provide a joint status report to the Court within two weeks of the Supreme Court's issuance of its opinion in *Facebook*.

Wherefore, the parties respectfully request that the Court stay this action pending the Supreme Court's decision in *Facebook*.

Dated: October 13, 2020

PLAINTIFF ANDREW KIMBLE,  
BY COUNSEL

/s/ Jonathan Hilton

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DEFENDANT SLICK INNOVATIONS, LLC,  
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/s/ Joseph P. Bowser

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DEFENDANT JAMNBEAN, LLC, d/b/a  
JAMN'BEAN COFFEE COMPANY,  
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IT IS SO ORDERED.

Date: \_\_\_\_\_, 2020

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HON. JANET T. NEFF

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 13, 2020, a true and correct copy of the foregoing document has been served via the Court's ECF system on all parties:

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